

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ROGER MOORE,)	
)	2:10-CV-00034-PMP-RJJ
Plaintiff,)	
)	
vs.)	
)	
ANTHONY CALDERONE, et al.,)	
)	
Defendants.)	

Before the Court for consideration is Defendants' Motion to Dismiss Second Amended Complaint, or in the Alternative Motion for Summary Judgment (Doc. #10) filed June 9, 2010. Plaintiff Moore filed a Response in Opposition to Defendants' Motion (Doc. #22) on June 25, 2010, and on July 6, 2010, Defendants filed a Reply Memorandum (Doc. #23).

Having read and considered the foregoing, the Court finds that Defendants Motion to Dismiss and Alternatively for Summary Judgment must be granted.

Specifically, the Court finds that even if the allegations set forth in Plaintiff's second amended complaint are accepted as true, there are no genuine issues of material fact that would give rise to entitlement of a judgment on behalf of Plaintiff against Defendants. Moreover, for the reasons set forth in Defendants' motion, Defendants are entitled to official capacity immunity as well as qualified immunity.

1 **IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss
2 Second Amended Complaint, or in the Alternative Motion for Summary Judgment
3 (Doc. #20) is **GRANTED** and the Clerk of Court shall forthwith enter judgment in
4 favor of Defendants and against Plaintiff.

5 DATED: August 9, 2010.

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9 PHILIP M. PRO
10 United States District Judge
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